

Appl. No. 10/659,933
Amdt. Dated February 28, 2006
Reply to Office Action of November 30, 2005

Attorney Docket No. 81863.0021
Customer No.: 26021

Amendments to the Drawings:

The attached sheets of drawings include changes to Figure 3.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS:

Minor changes are made to this specification and the drawings. Claims 1, 3-7, 12, and 13 are amended. Claims 1 and 3-23 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

The present invention relates to a throw-away style cutting tip used for cutting a cast iron and a steel. (Applicant's specification, at p. 1, lines 5-6).

DRAWINGS:

The drawings are objected to under 37 C.F.R. 1.83(a) because they fail to show R, R1, R2 and R3 as described in the specification at p. 9, line 23-p. 10, line 15 and this structural detail is essential for a proper understanding of the disclosed invention. The Applicant respectfully disagrees.

The Applicant respectfully submits that the specification at p. 9, line 23-p. 10, line 15 lists reference numerals together with R, R1, R2 and R3 and this information allows for a proper understanding of the disclosed invention. However, in order to expedite the prosecution of the instant application, the Applicant added the references R, R1, R2 and R3 to Figure 3. Withdrawal of this objection is thus respectfully requested.

SPECIFICATION:

The Office states that the abstract of the disclosure is objected to because it is in claim format and contains legal phraseology, e.g., "comprises".

In response, the Applicant removed the term "comprises" and made some other minor changes to the abstract of the disclosure. The Applicant believes the abstract of the disclosure is presently in the appropriate format. Withdrawal of this objection is thus respectfully requested.

The Office states that the disclosure is objected to because of the references R, R1, R2 and R3. As discussed above, Figure 3 was amended to include the references R, R1, R2 and R3. Withdrawal of this objection is thus respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103:

Claims 1, 3-5, 7, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Niebauer (U.S. Patent No. 5,122,017), in view of Toyose (JP 11-277307). The Applicant respectfully traverses this rejection as to the amended claims.

Claims 1, 3-5, 7, and 20 now depend from claim 8 which is allowable. Therefore, claims 1, 3-5, 7, and 20 are allowable for at least the same reasons as claim 8. Withdrawal of this rejection and allowance of claims 1, 3-5, 7, and 20 is thus respectfully requested.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Niebauer (U.S. Patent No. 5,122,017), in view of Toyose (JP 11-277307) and further in view of Wiman et al. (U.S. Patent No. 5,897,272). The Applicant respectfully traverses this rejection as to the amended claim 6.

Claim 6 now depends from claim 8 which is allowable. Therefore, claim 6 is allowable for at least the same reasons as claim 8. Withdrawal of this rejection and allowance of claim 6 is thus respectfully requested.

Claims 10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Niebauer (U.S. Patent No. 5,122,017), in view of Toyose (JP 11-277307) and further in view of Wiman et al. (U.S. Patent No. 5,743,681). The Applicant respectfully traverses this rejection.

The Office at p. 8, paragraph 4 of the Office Action states that Wiman teaches a linkage portion (13) that connects at least one of said protrusions (11) and the side

edge of said land surface (6). However, a mark designated as 13 in Wiman represents the end portion of the protrusion and it is away from the side edge of the land surface (6) (Wiman, Figure 6).

In contrast, according to claim 10, a linkage portion 9 connects the land surface 5' and the protrusion 8' (Applicant's application, Figure 6b). Thereby, the linkage portion 9 reinforces the land surface 5' and increases the rigidity of the throw-away tip. Moreover, since the protrusion 8 that continues from the center of the rake face over the same surface improves the stability of seating of the throw-away tip, the land surface can be constrained from making chattering vibration due to cutting impact and the cutting edge 4' of the land surface 5' can be prevented from being chipped or broken (Applicant's specification, at p. 11, line 19-p. 12, line 1). Therefore, Wiman does not offer the advantages of the present invention.

In light of the foregoing, Applicant respectfully submits that the cited references could not have rendered claim 10 obvious, because the cited references fail to teach or suggest each and every claim limitation. Claim 12 depends from claim 10 and cannot be rendered obvious for at least the same reasons as claim 10. Withdrawal of this rejection is thus respectfully requested.

ALLOWABLE SUBJECT MATTER:

The Office states, "Claims 11 and 13 are objected to as being dependent upon a rejected base claim, but would allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

Claim 11 depends from claim 10, and claim 10 is believed to be patentable in its current form. Therefore, claim 11 is believed to be patentable for at least the same reasons as claim 10. Withdrawal of this objection and allowance of claim 11 is thus respectfully requested.

Appl. No. 10/659,933
Amdt. Dated February 28, 2006
Reply to Office Action of November 30, 2005

Attorney Docket No. 81863.0021
Customer No.: 26021

Claim 13, similarly, depends from claim 10 and is therefore, believed to be patentable for the reasons discussed above. However, in order to expedite the prosecution of the instant application, the Applicant rewrote claim 13 in the manner suggested by the Office. Withdrawal of this objection and allowance of claim 13 is thus respectfully requested.

Claims 8, 9, 14-19, and 21-23 are allowed.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

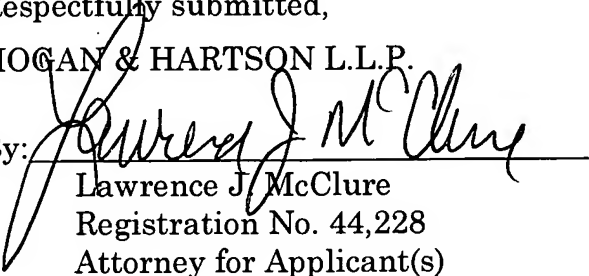
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6700 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

By:


Lawrence J. McClure
Registration No. 44,228
Attorney for Applicant(s)

Date: February 28, 2006

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701

ANNOTATED

FIG.2

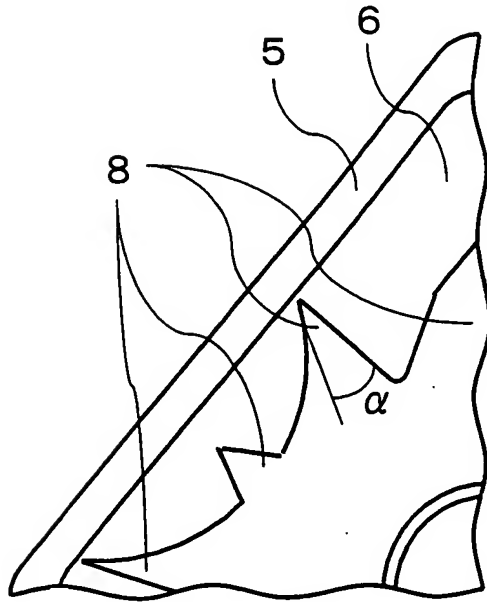


FIG.3

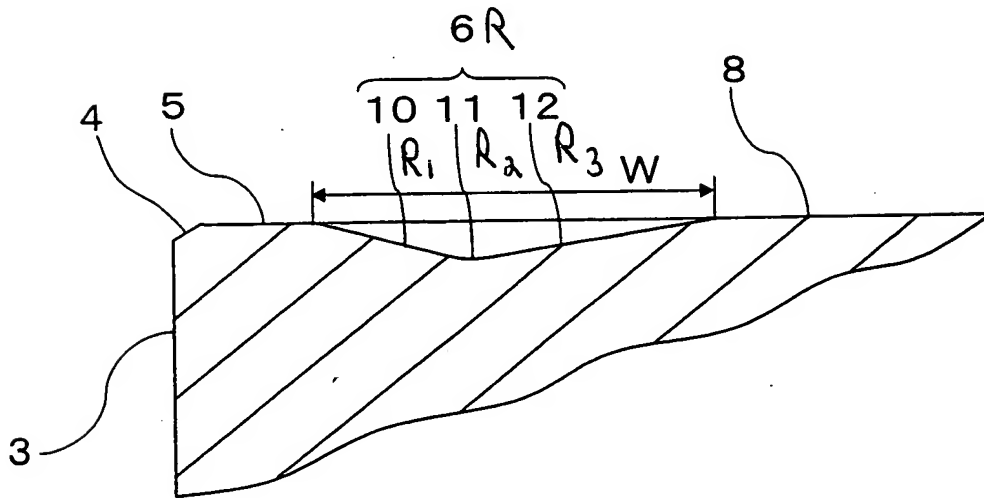


FIG.4

